IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3971 OF 2005

Mrs.Prabha Bhaskarchandra Mohanti ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

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Mr. D.N. Parikh, Advocate for Applicant.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 28TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against her in Criminal Case No. 441/2002 which is pending in the Court of learned J.M.F.C. Indapur at Indapur. In the said case, process has been issued against the applicant under Section 138 (1) and 141 r.w. 142 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant

has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. At this stage, the learned advocate for the applicant states that the applicant is a lady and she has minor children and is residing in Gujrat, hence it is difficult for her to attend the trial Court on all dates, thus he has prayed that exemption be granted to the applicant from personal appearance before the trial Court till the revision is disposed of. Looking to the facts and circumstances of this case, the prayer is reasonable, hence the said prayer is granted the exemption is granted to the applicant in respect of personal appearance before the trial Court till the revision is disposed of.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal application is disposed of.

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